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Attorney's Docket No. DJORTH.030A

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**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ORTHOPEDIC BRACE HAVING LENGTH-ADJUSTABLE SUPPORTS; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/255,521

Filing Date: December 12, 2000

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: 60/255,521

Filing Date: 12/12/00

Status: Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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Attorney's Docket No. DJORTH.030A

Inventor's signature

Date \_\_\_\_\_

Post Office Address: Same

Full name of second inventor: Alexis Laurand Erwin

Inventor's signature

Date \_\_\_\_\_

Residence: 3408 Santa Clara Way, Carlsbad, CA 92008

Citizenship: U.S.

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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120701

[illegible]

DJORTH.030A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Del Ray Doty et al.	)
			)
App. No.	:	Unknown	)
			)
Filed	:	Herewith	)
			)
For	:	ORTHOPEDIC BRACE HAVING	)
		LENGTH-ADJUSTABLE SUPPORTS	)
			)
Examiner	:	Unknown	)
			)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and

2008-10-10 10:10:10

App. No. : Unknown  
Filed : Herewith

Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

DJ Orthopedics, LLC

Dated: 12-11-01

By: 

Richard Gundersleeve

Title: V.P., Engineering

Address: 2985 Scott Street  
Vista, CA 92083

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120701

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Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: DJORTH.030A  
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### ASSIGNMENT

WHEREAS, We, Del Ray Doty, a U.S. citizen, residing at 3408 Santa Clara Way, Carlsbad, CA 92008, and Alexis Laurand Erwin, a U.S. citizen, residing at 3408 Santa Clara Way, Carlsbad, CA 92008, have invented certain new and useful improvements in a ORTHOPEDIC BRACE HAVING LENGTH-ADJUSTABLE SUPPORTS for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, DJ Orthopedics, L.L.C (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 2985 Scott Street, Vista, CA 92083, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 11 day of December, 2001.

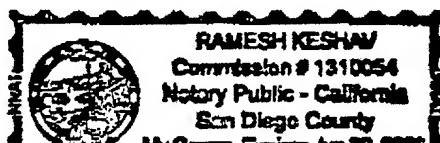
  
Del Ray Doty

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } ss.

On DEC 11<sup>TH</sup> 2001, before me, RAMESH KESHAV NOTARY PUBLIC, personally appeared Del Ray Doty personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

1000015-12-11

Application No.: Unknown  
Filing Date: Herewith

**PATENT**  
Client Code: DJORTH.030A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 11 day of December, 2001

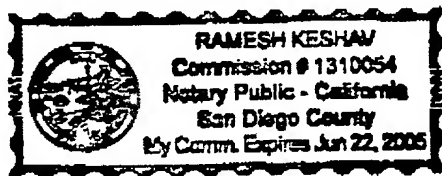
  
\_\_\_\_\_  
Alexis Laurand Erwin

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } ss.

On DEC. 11<sup>TH</sup> 2001, before me, RAMESH KESHAV NOTARY PUBLIC, personally appeared Alexis Laurand Erwin ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)



  
\_\_\_\_\_  
Notary Signature

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FOR FILING